UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RICK MELVILLE,

     Plaintiff,

    -vs-   Case No. 13-CV-755

FLOYD MITCHELL, STEVE JOHNSON,
RONALD MOLNAR, HEATHER PAULSEN,
JOHN AND JANE DOES, SGT. TREMAINE,

     Defendants.

DECISION AND ORDER

The plaintiff has filed several motions which will be addressed herein.[1]

Motion to Amend/Correct Complaint

The plaintiff has filed a motion to amend/correct complaint to add new
information and withdraw unneeded information. (Docket 59.) The proposed amended
complaint withdraws the remaining John Doe defendants and limits the plaintiff's claim to
the Eighth Amendment failure to protect claim upon which he was permitted to proceed at
screening. The proposed amended complaint provides a more concise statement of the
plaintiff's claim. Accordingly, the motion will be granted. *See* Fed. R. Civ. P. 15(a)(2).

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[1] The defendants' motion to compel discovery (Docket 85) and the plaintiff's renewed motion to appoint
counsel and request to include document request (B) and (C) in his motion to compel discovery were recently filed.
The Court will await the parties' responses to those motions and, therefore, they will be addressed in a subsequent
order.

Motion for Temporary Restraining Order/Preliminary Injunction

The plaintiff has filed a motion for temporary restraining order and/or preliminary injunction that the defendants or Oshkosh Correctional Institution make available to him the Wisconsin Department of Corrections' administrative rules and regulations guidelines for inspection and copying. (Docket 66.) The plaintiff is advised that he should attempt to obtain these documents with a discovery request, not with a motion for a preliminary injunction/temporary restraining order. Thus, his motion will be denied.

Motion to Compel Discovery

The plaintiff has filed a motion to compel discovery. (Docket 68.) His motion is related to discovery dated September 30, 2013, December 7, 2013, and January 18, 2014. (Docket 19, 49, and 58.) In response, the defendants assert that they previously provided the plaintiff with a response to each request, including a number of the requested documents and a number of objections. The defendants further assert that they have since responded to the plaintiff by elaborating on particular objections, clarifying some responses, and disclosing additional information. (Affidavit of Rebecca A. Paulson ¶ 2; March 19, 2014, Letter from Assistant Attorney General Rebecca A. Paulson to Plaintiff.) The plaintiff filed a reply in which he withdraws certain discovery requests. He also objects to some of the defendants' responses, comments on some, and accepts others.

It is not clear what discovery, if any, the plaintiff still seeks. Thus, the Court will deny the motion without prejudice. The plaintiff may file another motion to compel if

needed.

Plaintiff's Motion to Take Deposition

The plaintiff seeks leave of the Court to depose several inmates and Milwaukee Secure Detention Facility correctional officers. A party must obtain leave of the Court to depose an individual confined in prison. Fed. R Civ. P. 30(a)(2)(B). Here, the plaintiff has not provided the notice required by Rule 30(b) and, as a pro se prisoner, it is unlikely that he will be able to do so. The Court notes that he has effectively sought discovery through other methods. As such, the plaintiff's motion will be denied.

IT IS THEREFORE ORDERED that the plaintiff's motion to amend/correct complaint (Docket # 59) is **granted**. The proposed amended complaint (Docket # 59-1) is the operative complaint in this action.

IT IS FURTHER ORDERED that the plaintiff's motion for temporary restraining order (Docket # 66) is **denied**.

IT IS FURTHER ORDERED that the plaintiff's motion to compel discovery (Docket # 68) is **denied without prejudice**.

IT IS FURTHER ORDERED that the plaintiff's motion to take deposition (Docket # 70) is **denied**.

Dated at Milwaukee, Wisconsin, this 3rd day of April, 2014.

SO ORDERED,

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HON. RUDOLPH T. RANDA
U. S. District Judge